IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CWP No.1069 CAT of 2007
Date of decision: 13. 7.2007

Union of India

...Petitioner

vs.

Shalo Ram and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. DK Bhatti, Central Government Standing Counsel for the petitioner.

JUDGMENT:

This petition challenges order of the Central Administrative Tribunal (CAT) dated 31.8.2006, Annexure P.10, directing the petitioner to take decision on the claim of respondent No.1 for medical reimbursement.

Case of respondent No.1 was that he retired from service on 31.5.2001. On 1.1.2002, a Central Government Health Scheme was introduced. He was enrolled as a member of the scheme on 17.4.2003. One month prior to the said date, he took treatment, but he applied for reimbursement after being enrolled as a member on 19.5.2003, which was rejected. He approached the Tribunal.

The Tribunal held that Central Government Health Scheme was applicable to all the pensioners who are not covered by

Central Services (MA) Rules, 1944. The Tribunal followed judgment of the Gujarat High Court in SCA No.3043 of 2004 titled as ***Union of India v. R.S. Bapat*** decided on 2.4.2004 and other judgments in ***Laxmi Chand v. Comptroller and Auditor General of India, New Delhi and Ors.*** ATJ 2005 (1) 31 and ***B.R. Mehta v. Union of India*** 1999 (5) SLR 420 (Delhi High Court) and ***V.K. Jagadhari v. U.O.I.*** ATJ 2006 (1) 282.

Learned counsel for the petitioner has informed that the judgment in ***V.K. Jagadhari*** (*supra)* was not challenged and became final.

It is not disputed that we have dismissed an identical writ petition on 9.7.2007 being CWP No.9952-CAT-2007 titled as ***Union of India and another v. Manju Bala & Ors.***

Accordingly, this petition is also dismissed.

(Adarsh Kumar Goel)
Judge

July 13, 2007
gs/ashwani

(Ajai Lamba)
Judge